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MARTIN & FERRARO, LLP  
1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632

Telephone  
(330) 877-0700

Facsimile  
(330) 877-2030

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**FACSIMILE TRANSMITTAL**

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**TO:**

**Name:** Mail Stop AMENDMENT  
Group Art Unit 3738/Examiner Thomas Barrett

**Firm:** U.S. Patent & Trademark Office

**Fax No.:** 571-273-8300

**Subject:** U.S. Patent Application No. 10/669,287  
Gary Karlin Michelson  
Filed: September 24, 2003  
EXPANDABLE PUSH-IN ARCUATE INTERBODY  
SPINAL FUSION IMPLANT WITH TAPERED  
CONFIGURATION DURING INSERTION  
Attorney Docket No. 101.0092-02000  
Customer No. 22882  
Confirmation No.: 6591

**FROM:**

**Name:** Thomas H. Martin, Esq.

**Phone No.:** 330-877-2277

**No. of Pages (including this):** 17

**Date:** March 31, 2006

**Confirmation Copy to Follow:** NO

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**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate; \$120.00 total amount to cover the one-month extension fee is to be charged to Deposit Account No. 50-3726), and Amendment are being facsimile transmitted to the U.S. Patent and Trademark Office on March 31, 2006.

  
Sandra L. Blackmon

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FORM PTO-1083

Attorney Docket No.: 101.0092-02000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary Karin Michelson

Serial No: 10/669,287

Filed: September 24, 2003

For: EXPANDABLE PUSH-IN ARCUATE  
INTERBODY SPINAL FUSION IMPLANT  
WITH TAPERED CONFIGURATION DURING  
INSERTION

Confirmation No.: 6591

Art Unit: 3738

Examiner: Thomas Barrett

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MAR 31 2006

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a reply to the Office Action dated December 14, 2005 in the above-identified application.

☐ No additional fee is required.☒ Applicant hereby requests a one-month extension of time to respond to the above office action.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	96	-	96	**	0	
					LG=\$50 SM=\$25	\$50
INDEPENDENT CLAIMS FEE	1	-	1	***	0	
					LG=\$200 SM=\$100	\$200
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS:						LARGE ENTITY FEE = \$360 SMALL ENTITY FEE = \$180
						TOTAL
						\$ 0
						\$ 0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

☒ The total amount of \$120.00 to cover the one-month extension of time fee is to be charged to Deposit Account No. 50-3726.☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.

- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLP

Date: March 31, 2006

By: 

Thomas H. Martin

Registration No. 34,383

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (330) 877-0700  
Facsimile: (330) 877-2030

PATENT  
Attorney Docket No. 101.0092-02000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Confirmation No.: 6591
Gary Karlin Michelson	)	
Serial No.: 10/669,287	)	Group Art Unit: 3738
Filed: September 24, 2003	)	Examiner: Thomas Barrett
For: EXPANDABLE PUSH-IN ARCUATE	)	
INTERBODY SPINAL FUSION	)	
IMPLANT WITH TAPERED	)	
CONFIGURATION DURING	)	
INSERTION	)	

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MAR 31 2006

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT**

In reply to the Office Action dated December 14, 2005, the period for reply having been extended for one month by a request for extension and fee payment filed concurrently herewith, please amend the application as follows:

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Remarks** begin on page 13 of this paper.

04/03/2006 TL0111 00000047 503726 10669287  
01 FC:1251 120.00 DA

Amendment 3-31-06.doc